

COMMONWEALTH OF VIRGINIA
Department of Environmental Quality
Tidewater Regional Office

STATEMENT OF LEGAL AND FACTUAL BASIS

Eastern Shore Composites, LLC.
20508 Webster Rd.
Cheriton, VA 23316
Permit No. TRO-61404

Title V of the 1990 Clean Air Act Amendments required each state to develop a permit program to ensure that certain facilities have federal Air Pollution Operating Permits, called Title V Operating Permits. As required by 40 CFR Part 70 and 9 VAC 5 Chapter 80, Eastern Shore Composites, LLC. has applied for a Title V Operating Permit for its Cheriton, VA facility. The Department has reviewed the application and has prepared a draft Title V Operating Permit.

Engineer/Permit Contact: _____

Date: _____

Air Permit Manager: _____

Date: _____

Deputy Regional Director: _____

Date: _____

1. FACILITY INFORMATION

Permittee
Eastern Shore Composites, LLC.
20508 Webster Rd.
Cheriton, VA 23316

Responsible Official
Todd Schaubach
President

Facility
Eastern Shore Composites, LLC.
20508 Webster Rd.
Cheriton, VA 23316

Contact Person
Andrea Arredondo
Earth Compliance Solutions
Consultant
757-880-6818

County-Plant Identification Number: 51-131-00023

Facility Description: NAICS 336612/SIC 3083, 3732, 4493 – This facility was built and permitted to manufacture fiberglass boats. The facility has not secured any large contracts to build fiberglass boats, so they are primarily doing fiberglass boat repair work, building fiberglass fish tanks, building fiberglass medical waste containers and repairing fiberglass tomato gondolas. The facility is subject to the boat manufacturing MACT (Subpart VVVV) and the reinforced plastics MACT (Subpart WWWW). The facility is permitted to be a Title V major source of Styrene. The source is located in an attainment area for all pollutants and is a PSD minor source. The facility was previously permitted under a Minor NSR Permit issued on July 21, 2004.

2. COMPLIANCE STATUS

A full compliance evaluation of this facility, including a site visit, has been conducted. In addition, all reports and other data required by permit conditions or regulations, which are submitted to DEQ, are evaluated for compliance. Based on these compliance evaluations, the facility has not been found to be in violation of any state or federal applicable requirements at this time.

3. EMISSIONS INVENTORY

2004 Annual Emissions are summarized in the following table.

	2004 Criteria Pollutant Emission in Tons/Year	2004 Hazardous Air Pollutant Emission in Tons/Yr
Emission Unit	VOC	Styrene
Gel Coat Spray On	0.39	0.18
Resin Spray	0.84	0.43
Solvent	0.88	0.0
Adhesives	0.0065	0.00045
Total	2.11	0.61

4. EMISSION UNIT APPLICABLE REQUIREMENTS

There are two federal regulations that are applicable to this facility. They are:

40 CFR Part 63 Subpart VVVV - National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing

40 CFR Part 63 Subpart WWW - National Emission Standards for Hazardous Air Pollutants: Reinforced Plastics Composites Production

The following Virginia Administrative Codes are other applicable requirements that apply to the source

9 VAC 5 Chapter 80	Part I: Permits for New and Modified Sources
9 VAC 5 Chapter 80	Article 1: Federal Operating Permits for Stationary Sources
9 VAC 5 Chapter 80	Article 2: Permit Program Fees for Stationary Sources
9 VAC 5 Chapter 80	Article 4: Insignificant Activities
9 VAC 5 Chapter 80	Article 8: Permits for Major Stationary Sources and Major Modifications Locating in Prevention of Significant Deterioration Areas

5. LIMITATIONS

This facility is subject to two different Maximum Achievable Control Technology Standards (MACT). The MACTs limit the amount of styrene allowed in different raw materials used in the process. Specific parts of MACT standard VVVV have been put in Section 3.A and Specific parts of MACT standard WWWW have been put in Section 3.B of the permit.

Section 3.C lists emission limits for VOC which are pulled in from the minor NSR permit. The throughput limits for different types of process applications were used with the Unified Emission Factors to generate these limits. To calculate annual emissions of VOC which are primarily Styrene and Methyl Methacrylate the Unified Emission Factors can be used or the methodology listed in the MACTs. (EPA has rescinded the AP-42 section regarding this industry, however they provide a reference to the American Composites Manufacturers Association Home Page (<http://www.acmanet.org/index.cfm>) to get further information on how to estimate the emissions associated with the lay-up of fiberglass).

During the permitting process for this facility, it was determined that the stack height they had proposed might allow the Significant Ambient Air Concentration for Styrene to be exceeded at the fence line, so a stack height limit was added to the permit.

Opacity limits are also listed in this section for both the fiberglass lay-up area and the grinding room.

6. MONITORING & RECORDKEEPING

The permittee will monitor and record on a weekly basis the opacity from the grinding area stack. The other two stacks should have no opacity, they are there to take the VOC emissions away from the work area, so no monitoring has been assigned to these stacks in the permit.

The permit includes requirements for maintaining records of all monitoring and testing required by the permit.

7. TESTING

The permit does not require source tests. A table of test methods has been included in the permit if testing is performed. The Department and EPA has authority to require testing not included in this permit if necessary to determine compliance with an emission limit or standard.

8. STREAMLINED REQUIREMENTS

The minor source permit was originally written before the MACT standards were finalized and under a different state regulation than what we use today. Under the current state regulation, Article 6, if a source is subject to a MACT, then the toxics addressed in the MACT for that facility do not need to be addressed as permit limits in the minor NSR permit. We have therefore streamlined out the emission limits for Styrene and Methyl Methacrylate from the Title V permit even though they remain in the minor NSR permit.

9. GENERAL CONDITIONS

The permit contains general conditions required by 40 CFR Part 70 and 9 VAC 5-80-110 that apply to all Federal-operating permitted sources. These include requirements for submitting semi-annual monitoring reports and an annual compliance certification report. The permit also requires notification of deviations from permit requirements or any excess emissions. The following conditions are to be noted:

7.B. Permit Expiration

This condition refers to the Board taking action on a permit application. The Board is the State Air Pollution Control Board. The authority to take action on permit application(s) has been delegated to the Regions as allowed by §2.1-20.01:2 and §10.1-1185 of the *Code of Virginia*, and the “Department of Environmental Quality Agency Policy Statement No. 3-2001”.

This general condition cites the Article that follows:

Article 1 (9 VAC 5-80-50 et seq.), Part II of 9 VAC 5 Chapter 80. Federal Operating Permits for Stationary Sources

This general condition cites the sections that follow:

9 VAC 5-80-80. Application

9 VAC 5-80-140. Permit Shield

9 VAC 5-80-150. Action on Permit Applications

7.F. Failure/Malfunction Reporting

Section 9 VAC 5-20-180 requires malfunction and excess emission reporting within four hours of discovery.

Section 9 VAC 5-80-250 of the Title V regulations also requires malfunction reporting; however, reporting is required within two days. Section 9 VAC 5-20-180 is from the general regulations. All affected facilities are subject to section 9 VAC 5-20-180 including Title V facilities. Section 9 VAC 5-80-250 is from the Title V regulations. Title V facilities are subject to both sections. A facility may make a single report that meets the requirements of 9 VAC 5-20-180 and 9 VAC 5-80-250. The report must be made within four daytime business hours of discovery of the malfunction.

This general condition cites the sections that follow

9 VAC 5-20-180. Facility and Control Equipment Maintenance or Malfunction

9 VAC 5-80-250. Malfunction

7.J. Permit Modification

This general condition cites the sections that follow:

9 VAC 5-80-50. Applicability, Federal Operating Permit For Stationary Sources

9 VAC 5-80-190. Changes to Permits.

9 VAC 5-80-260. Enforcement.

9 VAC 5-80-1100. Applicability, Permits For New and Modified Stationary Sources

9 VAC 5-80-1790. Applicability, Permits For Major Stationary Sources and Modifications Located in Prevention of Significant Deterioration Areas

9 VAC 5-80-2000. Applicability, Permits for Major Stationary Sources and Major Modifications Locating in Non-attainment Areas]

7. U. Malfunction as an Affirmative Defense

The regulations contain two reporting requirements for malfunctions that coincide. The reporting requirements are listed in sections 9 VAC 5-80-250 and 9 VAC 5-20-180. The malfunction requirements are listed in General Condition U and General Condition F. For further explanation see the comments on general condition F.

This general condition cites the sections that follow:

9 VAC 5-20-180. Facility and Control Equipment Maintenance or Malfunction

9 VAC 5-80-110. Permit Content

10.STATE ONLY APPLICABLE REQUIREMENTS

The only two regulations which are state only are the following:

9 VAC 5-50-320, Toxic Pollutants

9 VAC 5-50-310, Odorous

11.INAPPLICABLE REQUIREMENTS

There were no inapplicable requirements identified in the application for this facility.

12.COMPLIANCE PLAN

Not applicable.

13.INSIGNIFICANT EMISSION UNITS

The insignificant emission units are presumed to be in compliance with all requirements of the Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

14.CONFIDENTIAL INFORMATION

Not applicable.

15.PUBLIC PARTICIPATION

The proposed permit was placed on public notice in the Eastern Shore News from November 19, 2005 to December 19, 2005.